



PUBLIC NOTICE

Federal Communications Commission
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DA 06-1545
July 28, 2006

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
EMBARQ LOCAL OPERATING COMPANIES' PETITION FOR FORBEARANCE
UNDER 47 U.S.C. § 160(c) FROM APPLICATION OF *COMPUTER INQUIRY*
AND CERTAIN TITLE II COMMON CARRIAGE REQUIREMENTS**

WC Docket No. 06-147

Comments Due: August 17, 2006
Reply Comments Due: August 31, 2006

On July 26, 2006, the Embarq Local Operating Companies (Embarq), filed a petition for forbearance pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 160(c). In its petition, Embarq asks the Commission to forbear from applying Title II and *Computer Inquiry* rules to certain broadband services offered by Embarq and similarly situated independent incumbent local exchange carriers (independent incumbent LECs).¹ Specifically, Embarq seeks relief from Title II requirements regarding tariffs, prices, cost support, price caps, and pricing flexibility for certain broadband services. Embarq also seeks relief from the *Computer Inquiry* requirements to the extent they require independent incumbent LECs to tariff and offer the transport component of their broadband services on a stand-alone basis and to take service themselves under the same terms and conditions.

This Public Notice establishes certain procedural requirements relating to consideration of the Embarq petition for forbearance. This matter shall be treated as a “permit-but-disclose”

¹ Petition of the Embarq Local Exchange Operating Companies For Forbearance Under 47 U.S.C. § 160(c) From Application of *Computer Inquiry* and Certain Title II Common-Carriage Requirements, WC Docket No. 06-147 (filed July 26, 2006). Embarq defines broadband services as current and future transmission service offerings that are capable of providing 200 kbps in both directions, excluding DS1 and DS3 special access services and TDM-based services. Attachment A to the Embarq petition lists a sampling of Embarq's broadband services that meet this definition. Simultaneous with this Public Notice, we are releasing an order extending the comment period for the AT&T, BellSouth, and Qwest forbearance petitions, consolidated in WC Docket No. 06-125, consistent with the comment period set forth in this Public Notice. See *Qwest et al. Petition for Forbearance*, Order, WC Docket No. 06-125, DA 06-1544 (rel. July 28, 2006). Any party wishing to comment on the Embarq petition as well as any of the petitions in WC Docket No. 06-125 is free to combine its comments into one filing listing both dockets.

proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to Section 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the Embarq petition for forbearance on or before August 17, 2006 and reply comments on or before August 31, 2006. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C327, Washington, DC 20554, or via e-mail janice.myles@fcc.gov; and one (1) copy must be sent to Best Copy and Printing, Inc., 445 12th Street, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or

by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

For further information regarding this proceeding, contact William Kehoe or Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail at William.Kehoe@fcc.gov and Heather.Hendrickson@fcc.gov.

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